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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/507,868	02/22/2000	Harald Lichtinger	99P7471US01	2972

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EXAMINER
MCCALL, ERIC SCOTT

ART UNIT	PAPER NUMBER
2855	

DATE MAILED: 09/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/507,868	Applicant(s) LICHTINGER ET AL.	
	Examiner Eric S. McCall	Art Unit 2855	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 June 2002* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7,19-21 and 24-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7,19-21 and 24-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

METHOD AND APPARATUS FOR SENSING SEAT OCCUPANT WEIGHT

FINAL OFFICE ACTION

In response to the Applicant's amendments (paper no. 10) dated Feb. 12, 2002 and (paper no. 12) dated June 06, 2002.

DECLARATION

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the mailing or post office address of each inventor. A mailing or post office address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing or post office address should include the ZIP Code designation. The mailing or post office address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

Specifically, the mailing address of the first inventor is not complete for it does not include the city, state, and zip code thereof. Also, the mailing addresses of the second and the third inventors appear not to be complete.

CLAIMS

As clarification, any and all claim objections and claim rejections under 35 U.S.C. 112 as stated in the previous office actions have since been overcome.

35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-7, 19, 20, 24-29, and 31-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Verma et al. (5,942,695).

With respect to claim 1, Verma et al. teach a system for measuring weight of an occupant seated on a vehicle seat (see fig. 4) comprising:

a first track (26) mounted to a vehicle structure;

a second track (16) supported for movement relative to said first track for adjusting along a longitudinal axis (col. 2, lines 19-21; ie. the second track slides forward and back with respect to the first track) and being deflectable in a vertical direction due to an occupant weight force generated by the occupant sitting on the vehicle seat (col. 2, lines 29-36 and 50-53); and

at least one sensor (30) mounted on one of said tracks for generating a signal representative of said occupant weight force.

With regard to claims 2-5, Verma et al. suggest the claimed subject matter thereof.

With regards to claim 6, Verma et al. teach the claimed subject matter thereof in the form of an alternate embodiment (fig. 1).

With regards to claim 7, Verma et al. teach (fig. 4) a first (26) and second track (16) which is interpreted as a "first track assembly" having a sensor (30). Furthermore, Verma et al. suggest a "second track assembly" which is interpreted as the corresponding third and forth track

to the first and second track and sensor on the opposite side of the seat (ie. fig. 4 shows the left side of the seat however the right side of the seat is a mirror image of the left side).

With respect to claim 19, said claim parallels that of claim 1. Thus, Applicant's attention is directed to corresponding above comments.

With regard to claim 20, Verma et al. suggest the claimed subject matter thereof.

With regards to claim 24, Verma et al. teach (fig. 4) a first (26) and second track (16) which is interpreted as an "inboard track assembly" having a sensor (30). Furthermore, Verma et al. suggest an "outboard track assembly" which is interpreted as the corresponding first and second track and sensor on the opposite side of the seat (ie. fig. 4 shows the left side of the seat however the right side of the seat is a mirror image of the left side).

With regard to claims 25-27, Verma et al. suggest the claimed subject matter thereof.

With regards to claim 28, Verma et al. teach the claimed subject matter thereof in the form of an alternate embodiment (fig. 1).

With respect to claim 31, said claim parallels that of claim 1. Thus, Applicant's attention is directed to corresponding above comments.

With regards to claim 32, Verma et al. teach (fig. 4) a first (26) and second track (16) which is interpreted as a "first track assembly" having a sensor (30). Furthermore, Verma et al. suggest a "second track assembly" which is interpreted as the corresponding third and forth track to the first and second track and sensor on the opposite side of the seat (ie. fig. 4 shows the left side of the seat however the right side of the seat is a mirror image of the left side).

With regard to claims 33-37, Verma et al. suggest the claimed subject matter thereof.

35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 21, 30, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verma et al. (5,942,695).

Verma et al. teach the sensor/sensor assembly being attached to the second track but fail to teach the sensor/sensor assembly being attached to the first track. Nonetheless, it would have been obvious to one having ordinary skill in the art to modify said teaching by placing the

sensor/sensor assembly on the first track instead of the second track. The motivation being that regardless if the sensor is on the first track or the second track the operation and the outcome will be equivalent. Furthermore, the Applicant has provided no evidence as to why placing the sensor/sensor assembly on the first track instead of the second track would be non-obvious.

CONCLUSION

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Eric S. McCall at telephone number (703) 308-6968.

Eric S. McCall
Primary Examiner
Art Unit 2855
Aug. 14, 2002